



SO ORDERED.

SIGNED this 02 day of June, 2006.


LEIF M. CLARK
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court

Western District of Texas
San Antonio Division

IN RE

PILAR ROBLES LEAL AND GLORIA ANN LEAL

DEBTORS

BANKR. CASE NO.

04-53839-C

CHAPTER 13

**ORDER DENYING MOTION TO EXPEDITE HEARING ON MOTION TO VACATE
ORDER LIFTING STAY**

CAME ON for consideration the foregoing matter. The debtor has considered the underlying motion to vacate on its merits, and denied it without the necessity of a hearing. As set out in that motion, the docket entries themselves confirm that there is no basis whatsoever for the court to intervene to override the terms a prior order on motion for relief from stay – an order to which the debtors had agreed. The debtors simply defaulted under the terms of that order, and offered no reason for being excused from their default other than their last minute promise to “fix it.” Because the debtors have already had over *five months* to “fix it,” they offered the court no grounds for being relieved of the consequences of their own default. They simply don’t want to face the consequences.

A motion for expedited hearing must state grounds for the emergency. If the emergency is one of the movant's own making, the court will not be inclined to grant an expedited hearing. *In re Villareal*, 160 B.R. 796 (Bankr. W.D.Tex. 1993). What is more, if the motion sets out no grounds whatsoever for expedited hearing, then the motion will not be granted. *See* BANKR. L.R. 9014(e)(1). This motion is silent regarding what prompted the emergency, but a review of the docket showed that the Notice of Termination of Stay from which the movants here seek relief was filed in early March. The need for an emergency here, as in *Villareal*, was created by the movants themselves. In addition, the grounds for expedited relief referenced only the imminence of the foreclosure, but said nothing about why the debtors could not have sought relief earlier.

The motion for expedited hearing is denied.

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